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SENATE BILL 152

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Steve Komadina

AN ACT

RELATING TO LOBBYING; REQUIRING DISCLOSURE OF THE SUBJECTS OF
LOBBYING EFFORTS BY LOBBYISTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 2-11-6 NMSA 1978 (being Laws 1977,
Chapter 261, Section 6, as amended) is amended to read:

"2-11-6. EXPENDITURE REPORT TO BE FILED--CONTENTS--
REPORTING PERIODS.--

A. [~~Each~~] A lobbyist or lobbyist's employer who
makes or incurs expenditures or political contributions for the
benefit of or in opposition to a state legislator or candidate
for the state legislature, a state public officer or candidate
for state public office, a board or commission member or state
employee who is involved in an official action affecting the
lobbyist's employer or in support of or in opposition to a

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1 ballot issue or pending legislation or official action shall
2 file an expenditure report with the secretary of state on a
3 prescribed form or in an electronic format approved by the
4 secretary of state. The expenditure report shall include a
5 sworn statement that sets forth:

6 (1) the cumulative total of the expenditures
7 made or incurred, separated into categories that identify the
8 total separate amounts spent on:

9 (a) meals and beverages;

10 (b) other entertainment expenditures;

11 (c) gifts; and

12 (d) other expenditures;

13 (2) each political contribution made,
14 identified by amount, date and name of the candidate or ballot
15 issue supported or opposed; ~~and~~

16 (3) a description of the general subjects, the
17 legislative bill numbers of any bills and the rule and
18 ratemaking numbers of any rules and rates or proposed rules and
19 rates on which the lobbyist is lobbying or has lobbied since
20 the lobbyist's previous report; and

21 ~~(3)~~ (4) the names, addresses and occupations
22 of other contributors and the amounts of their separate
23 political contributions if the lobbyist or lobbyist's employer
24 delivers directly or indirectly separate contributions from
25 those contributors in excess of five hundred dollars (\$500) in

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1 the aggregate for each election to a candidate, a campaign
2 committee or anyone authorized by a candidate to receive funds
3 on his behalf.

4 B. If the expenditure report is filed
5 electronically, the report shall be subscribed and sworn to in
6 an independent affidavit that shall be delivered to the
7 secretary of state within forty-eight hours after the
8 expenditure report is electronically filed.

9 C. In identifying expenditures pursuant to the
10 provisions of Paragraph (1) of Subsection A of this section,
11 any individual expenditure that is more than the threshold
12 level established in the Internal Revenue Code of 1986, as
13 amended, that must be reported separately to claim a business
14 expense deduction, as published by the secretary of state,
15 shall be identified by amount, date, purpose, type of
16 expenditure and name of the person who received or was
17 benefitted by the expenditure; provided, in the case of special
18 events, including parties, dinners, athletic events,
19 entertainment and other functions, to which all members of the
20 legislature, to which all members of either house or any
21 legislative committee or to which all members of a board or
22 commission are invited, expenses need not be allocated to each
23 individual who attended, but the date, location, name of the
24 body invited and total expenses incurred shall be reported.

25 D. The reports required pursuant to the provisions

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1 of the Lobbyist Regulation Act shall be filed:

2 (1) by January 15 for all expenditures and
3 political contributions made or incurred during the preceding
4 year and not previously reported;

5 (2) within forty-eight hours for each separate
6 expenditure made or incurred during a legislative session that
7 was for five hundred dollars (\$500) or more; and

8 (3) by May 1 for all expenditures and
9 political contributions made or incurred through April 25 of the
10 current year and not previously reported.

11 E. A lobbyist's personal living expenses and the
12 expenses incidental to establishing and maintaining an office in
13 connection with lobbying activities or compensation paid to a
14 lobbyist by a lobbyist's employer need not be reported.

15 F. A lobbyist or lobbyist's employer shall obtain
16 and preserve all records, accounts, bills, receipts, books,
17 papers and documents necessary to substantiate the financial
18 statements required to be made under the Lobbyist Regulation Act
19 for a period of two years from the date of filing of the report
20 containing such items. When the lobbyist is required under the
21 terms of his employment to turn over any such records to his
22 employer, responsibility for the preservation of them as
23 required by this section and the filing of reports required by
24 this section shall rest with the employer. [~~Such~~] The records
25 shall be made available to the secretary of state or attorney

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1 general upon written request.

2 G. ~~Any~~ A lobbyist's employer who also engages in
3 lobbying shall comply with the provisions of the Lobbyist
4 Regulation Act.

5 H. An organization of two or more persons, including
6 an individual who holds himself out as an organization, that
7 within one calendar year expends funds in excess of two thousand
8 five hundred dollars (\$2,500) not otherwise reported under the
9 Lobbyist Regulation Act to conduct an advertising campaign for
10 the purpose of lobbying shall register with the secretary of
11 state within forty-eight hours after expending two thousand five
12 hundred dollars (\$2,500). ~~Such~~ The registration shall
13 indicate the name of the organization and the names, addresses
14 and occupations of any of its principals, organizers or officers
15 and shall include the name of any lobbyist or lobbyist's
16 employer who is a member of the organization. Within fifteen
17 days after a legislative session, the organization shall report
18 the contributions, pledges to contribute, expenditures and
19 commitments to expend for the advertising campaign for the
20 purpose of lobbying, including the names, addresses and
21 occupations of the contributors, to the secretary of state on a
22 prescribed form "

23 Section 2. EFFECTIVE DATE. -- The effective date of the
24 provisions of this act is July 1, 2003.